



fall 2010

Nevada State Board of Dental Examiners

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The Nevada State Board of Dental Examiners

Providing information and education
to Nevada's dental health care professionals

OWNERSHIP OF PRACTICE

In the last newsletter, we discussed the new law, SB 295, which allows a person or entity not licensed by the NSBDE to provide certain goods and services for the support of a business of a dental practice so long as it does not manage or control the clinical practice of dentistry or share in revenues or profits of the dental practice. Workshops and hearings have been conducted and regulations have been approved, and codified. It is Regulation R202-09.

The main objective of the hearings was to draft regulations to clearly identify what constituted "authority or control over the clinical practice of dentistry."

To be very clear, a person or entity not licensed as a dentist pursuant to the provisions of law regulated by the Nevada Dental Board cannot exert authority or control in the following areas:

- The manner in which equipment or material is used by dentist, hygienist, or assistant for treatment;
- Decisions not to purchase dental equipment or material are made against the advice of the dentist if it would impair dentist or hygienist ability to provide consistent standard of care;
- A course or alternative course of treatment determined by dentist;
- The manner in which a course of treatment is carried out by dentist, hygienist, or dental assistant;
- The length of time a dentist, hygienist, or dental assistant spends with a patient;
- The referrals by a dentist to another licensed dentist;
- A decision to refund payments made by a patient for clinical work that is not performed or is performed incorrectly by the dentist or hygienist;
- The clinical practices of dental hygienists or those duties delegable by a dentist to a hygienist;

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New Law Makes Changes on Retention of Health Care Records

Important changes were made at the Legislature regarding how long health care providers must keep health care records. The use of proper disposal methods is also mandatory. SB17 took effect October 1, 2009.

Highlights include the following:

The Board of Health as well as all Boards of Examiners shall post on their websites that records of patients who are less than 23 years of age may not be destroyed and that the records of other patients may be destroyed after 5 years.

- Healthcare providers must post in a conspicuous place at each office or at each facility that maintains health care records a sign that discloses to patients the notice above.
- The signage must be at least 8 ½ inches by 11 inches with landscape orientation and one inch margins on all sides;
- Use a single typeface and standard font, with no less than 20 point characters;
- Be clearly designated as “Notice to Patients Regarding the Destruction of Health Care Records.”
- A written statement is to be given to a patient when seen the first time, or if a recurring patient, the next visit.
- This statement may be included with other written information provided to the patient by the health care provider.

For more information regarding information on the maintenance, posting and notice of health care records, please refer to the NSBDE website at www.nvdentalboard.nv.gov and the Nevada Board of Health.

New Exam Now Used for NV Hygienists

Those seeking licensure as a dental hygienist in Nevada may now take the American Dental Hygiene Licensing Examination (ADHLEX) administered by the Nevada State Board of Dental Examiners rather than the previous Nevada-specific hygiene exam. The ADHLEX consists of two examinations, one simulated on a computer and one involving clinical performances on patients. This format provides the dental hygienist community with a uniform, widely-recognized standard and allows for early identification of deficiencies within clinical skill sets.

One major reason for the change is the broad acceptance of the exam; licensure under the ADHLEX is recognized in 37 states. Please note that the switch to the new exam will incur a fee change. While Nevada will not be able to accept the ADHLEX from other testing agencies without legislative change in 2011, the NSBDE will be able to administer the ADHLEX for Nevada licensure and other states under the current agreement with the American Board of Dental Examiners (ADEX). The first exam scheduled is in May 2011.

For more information on the ADHLEX, please watch the NSBDE website at www.nvdentalboard.nv.gov.

Friendly Reminder - A Review of Sedation Laws

It never hurts to provide important information many times to ensure all will take note. Once again, we are providing important information regarding anesthesia administration, specifically, conscious sedation, deep sedation, and general anesthesia. All dental offices (locations at which dental services are rendered) must be permitted (site permit) by this board for administration of conscious sedation, deep sedation, and general anesthesia. Additionally, all licensed dentists administering conscious sedation, deep sedation, and general anesthesia must have a permit from this board for administration.

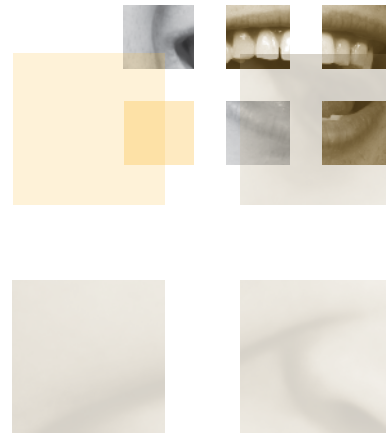
Please review NRS 631.025 which defines conscious sedation to ensure your understanding and whether a permit is required for you to administer conscious sedation. The method of administration does not determine whether a permit is needed, it is the dosage of a medication (pharmacologic or nonpharmacologic or a combination thereof) that determines whether a permit is needed. To administer conscious sedation, deep sedation, or general anesthesia without an administrator permit by this board or allowing administration at your office without having a site permit issued by this board is unprofessional conduct and may result in disciplinary action by the board.

Board regulations (NAC 631.2211 – 631.2256) outline the minimum requirements for administration of conscious sedation, deep sedation, and general anesthesia including permit requirements, physical office requirements and many other

important requirements for anesthesia administration.

Finally, for those who do hold a site permit issued by this board and have a Nevada licensed physician (medical or osteopathic) administer anesthesia (as described above) to your patients, please be aware that Nevada law requires that physician to only administer in a location that is “accredited” and permitted by the Bureau of Health Care Quality and Compliance. This law went into effect October 1, 2009 and affects those licensed pursuant to NRS 630 and NRS 633 (medical and osteopathic physicians). While the Nevada State Board of Dental Examiners does not prohibit the licensed physician from administering in a dental office permitted by our board, other state law does prohibit this unless the office is “accredited” and permitted by the Bureau. Please be aware of this requirement for your physicians. You may contact the Bureau of Health Care Quality and Compliance and the licensing board for the physician to obtain further information and clarification of this new law as it becomes enforced.

For a link to the Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) Chapters 631, please go to the board’s website at: www.nvdentalboard.nv.gov and click on Governing Laws. As all licensees sign an affidavit during license renewal that they are practicing pursuant to these chapters of law, a constant review of them will ensure that this sworn statement is indeed true and correct.



Ownership *cont. from page 1*

- The hiring, firing or material clinical terms of the employment relationship of a licensee or ancillary personnel;
- The material terms of any provider contracts and third-party payers against the advice of the dentist if it would impair his standard of care; and
- Health care records.

For further clarification, please refer to the NSBDE website at www.nvdentalboard.nv.gov

Remember to Follow CDC Guidelines

The Nevada State Board of Dental Examiners requires dentists to review and follow all of the CDC Guidelines listed on the NSBDE web site. On April 30th, the NSBDE adopted regulations to begin random inspections of locations of dental treatment to ensure CDC compliance. If a practice is not compliant the practitioner(s) may be subject to a fine, subsequent re-inspection, and discipline by the Board. In addition, all new dental practices will automatically be inspected. You must let the board know you have opened a new practice within 30 days and undergo an inspection. You can find all of the CDC documents on the web site or by calling the NSBDE office.

You will find a listing of the CDC Guidelines for Infection Control in a Dental Health Care Setting and guidelines for Healthcare Facilities on the board website: www.nvdentalboard.nv.gov.

Change of Address Now Online

With a new website feature, it is much simpler to keep the Board abreast of address changes and avoid the \$50 penalty for failing to do so. Simply access www.nvdentalboard.nv.gov, click on the toolbar for 'address change.'

According to NRS 631.150, any change of address to a licensee's permanent residence or the office(s) where his or her practice is conducted must be filed with the Board within 30 days of the change. The new website feature is expected to streamline this process for everyone involved.

Dental License and Board Actions Posted Online

License and Board Action information is accessible on the Board website, www.nvdentalboard.nv.gov. Until now, it required a telephone call to the Dental Board office to obtain stipulation documents. This move toward centralizing pertinent public information on the internet creates a smoother process not only for dental professionals evaluating a potential employee or associate, but also patients who wish to review issues related to board actions. The action document is posted within 30 days of board approval in most cases and will be an interactive pdf feature.

New Regulations on Supervised Courses Using Live Patients

A hearing was held on April 30th to review and adopt regulations pertaining to AB 314, which passed during the 2009 legislative session. These regulations address the issues surrounding the use of live patients in postgraduate continuing education instruction in dentistry in non-accredited facilities. This legislation mandates that not only must the instructor dentist be licensed, only permanent facilities for the purpose of providing postgraduate continuing education on live patients must also be registered as such with the board. A specific form will be furnished by the Board.

Some of the information required is:

- the name of the individual or entity who owns or operates the facility;
- the type and location of the facility; and
- a notarized statement that all courses involving live patients will be supervised by dentists licensed in Nevada.

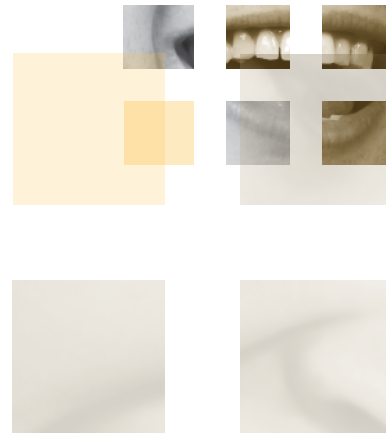
A dentist participant must be licensed in another jurisdiction and treating a patient only at the facility. The Board will require information related to whether the participant dentist has previously treated the patient in the dentist's jurisdiction; that he is treating the patient only during a course of continuing education at the facility; and that he is treating the patient under the supervision of a licensed Nevada dentist. The patient must be a patient of record of the participating dentist.

Strict standards must be followed for the institute or organization in terms of full compliance with all applicable Board of Health, CDC, sedation and anesthesia regulations. The on-site maintenance of appropriate documentation is also required. For a full explanation and further details, please refer to the NSBDE website at www.nvdentalboard.nv.gov

Avoid Unprofessional Conduct in Advertising

Misleading statements and false advertising constitutes unprofessional conduct according to NRS 631.348. This includes any misleading statement concerning the skill or practice of any dentist as well as claiming professional superiority over neighboring practitioners.

Some examples of false or misleading advertising according to the guidelines set forth in NAC631.270 include claims that a manifestly incurable disease can be permanently cured, a guarantee that any dental procedure will be painless, any extravagant claim that creates unrealistic expectations, misleading price information, use of a fictitious name, or false claims that a dentist specializes in a certain area without being so licensed as a specialist.



What the Heck Does PHDHE on That Hygiene Renewal Form Refer To?

In an effort to provide dental care to some of our neediest children, a school-based oral health program focused on dental health services through preventive care was created in Clark County. This program, Future Smiles, utilizes licensed dental hygienists who have been issued a Public Health Dental Hygiene Endorsement (PHDHE) by the Nevada State Board of Dental Examiners (NRS 631.287). Partnering with Communities In Schools and Oral Health America, Future Smiles has been able to use existing resources at the Cunningham Health Center at Cynthia Cunningham Elementary School in Las Vegas to provide needed dental services.

The goal of Future Smiles is to partner with community support agencies that are passionate about assisting the area's neediest children. Recently, through a relationship with Title 1 Hope, (a local homeless advocacy support program assisting homeless families and keeping kids in school) a patient was treated by a PHDHE hygienist at the Cunningham Health Center. The patient, a young girl, had never had a dental prophylaxis. She presented with moderate gingivitis, localized moderate supra-gingival calculus and an apprehension for tooth brushing because it would result in pain and bleeding. By the end of her treatment, she was thankful, full of hugs and smiles and relieved of the orange

chromogenic bacterial stain and calculus on her teeth. It was the first time in years that she said she could smile with ease. It is truly a rewarding experience to help children by providing hygiene treatment, education, and encouragement for them to participate in their own oral health.

Future Smiles is not the first program to utilize PHDHE dental hygiene licensees. The PHDHE has been available since 2001 for qualified applicants. Public health dental hygienists practice within provisions of state law but without supervision of the dentist for defined treatment. The preventive dental care is delivered using the same instruments, equipment, and standards for care that are the standard in dental offices; however, in most cases the patients do not have a regular dentist. Practitioners follow an approved treatment protocol, and severe cases are referred to a licensed dentist for further expertise and care.

The Public Health Dental Hygiene Endorsement has provided another means by which dental professionals can make a difference. We thank Terri Chandler, RDH and PHDHE licensee for sharing her experience with us and contributing to this article for our readers.

"Say not in grief 'He is no more,' but live in thankfulness that he was." - Hebrew Proverb

*Joel F. Glover, DDS
Mario E. Gildone, DDS*

With grateful appreciation for the contributions he made to his profession, his colleagues, and his fellow Nevadans - the NSBDE expresses thanks for the smiles and memories, and bids a fond farewell to former Board Member and President, Joel F. Glover, D.D.S.. 12/17/09



Board Action Information : December 2009 — June 2010

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